

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6259 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE H.L.GOKHALE

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

DASHRATHLAL LALLURAM THAKORE

Versus

STATE OF GUJARAT

Appearance:

MR KALPESH N SHASTRI for Petitioners

MR Apoorva Vyas for Respondent No. 1, 2

CORAM : MR.JUSTICE H.L.GOKHALE

Date of decision: 09/09/97

ORAL JUDGEMENT

Heard Mr Shastri for the petitioners and Mr Vyas for the respondents. RULE. Rule returnable forthwith. Both the advocates have made their submissions.

2 These petitions raise mainly one question of law. The petitioner has applied for a plot of land situated in Sector 21 at Gandhinagar. Minimum expected price of the

land was Rs.1000 per sq. meter whereas the petitioner had offered Rs.1,311 and turned out to be the highest bidder. It appears that in spite of the highest bid of the petitioner, the petitioner's bid was not accepted because higher amount was given for some other plot of land situated nearby the said land. That is how the said auction was rejected by an order 24.2.1986 passed by the District Collector. This order has been confirmed by the Deputy Secretary, Revenue Department, by an order dated 28th November 1989.

3 Mr Shastri submits that a similar matter had been entertained by the State Government in another Special Civil Application No.3597 of 1997 had come before this Court and in almost identical facts that petition was allowed. I have perused that matter and what Mr Shastri says is correct.

4 Mr Shastri submits that initial order of the Collector has been passed without hearing the petitioner. Mr Vyas cannot dispute this factual aspect. In that view of the matter, impugned orders are required to be set aside. The Collector, Gandhinagar, will hear the petitioner afresh and take necessary decision in this matter. The impugned orders are passed way back in the year 1986. This order is made in view of the petitioner's statement that concerned plot of land has not been allotted to anybody which facts are ascertained and accepted by the respondents. This order is also made on the footing that since nearly ten years have gone in the meanwhile, in the event any order is passed in favour of the petitioner, the petitioner is ready for appropriate revision in the price of land. The Collector will however take into consideration the fact that entire price of the plot of land has been deposited by the petitioner. Needless to state that the respondents will maintain status quo till decision is taken by the Collector. Rule is made absolutely accordingly with no order as to costs.

(mohd)